

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

**FINDINGS AND RECOMMENDATION OF THE MAGISTRATE JUDGE
UPON A PLEA OF GUILTY BY DEFENDANT TRACEY E. DAVIS**

TO: THE HONORABLE JAMES T. MOODY, JUDGE,
UNITED STATES DISTRICT COURT

Upon Defendant Tracey E. Davis' request to enter pleas of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter came for hearing before Magistrate Judge Paul R. Cherry, on April 4, 2012, with the consent of Defendant Tracey E. Davis, counsel for Defendant Tracey E. Davis, and counsel for the United States of America.

The hearing on Defendant Tracey E. Davis' pleas of guilty was in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the Magistrate Judge in open court and on the record.

In consideration of that hearing and the statements made by Defendant Tracey E. Davis under oath on the record and in the presence of counsel, the remarks of the Assistant United States Attorney and of counsel for Defendant Tracey E. Davis,

I FIND as follows:

(1) that Defendant Tracey E. Davis understands the nature of the charges against her to which the pleas are offered;

(2) that Defendant Tracey E. Davis understands her right to trial by jury, to persist in her pleas of not guilty, to the assistance of counsel at trial, to confront and cross-examine adverse witnesses, and her right against compelled self-incrimination;

(3) that Defendant Tracey E. Davis understands what the maximum possible sentences are, including the effect of the supervised release term, and Defendant Tracey E. Davis understands that the sentencing guidelines apply and that the Court may depart from those guidelines under some circumstances;

(4) that the pleas of guilty by Defendant Tracey E. Davis have been knowingly and voluntarily made and are not the result of force or threats or of promises;

(5) that Defendant Tracey E. Davis is competent to plead guilty;

(6) that Defendant Tracey E. Davis understands that her answers may later be used against her in a prosecution for perjury or false statement;

(7) that there are factual bases for Defendant Tracey E. Davis' pleas; and further,

I RECOMMEND that the Court accept Tracey E. Davis' pleas of guilty to the offenses charged in Counts 1, 2,3, 5, and 6 of the Indictment and that Defendant Tracey E. Davis be adjudged guilty of the offenses charged in Counts 1, 2, 3, 5, and 6 of the Indictment and have sentences imposed. A Presentence Report has been ordered. Should this Report and Recommendation be accepted and Tracey E. Davis be adjudged guilty, a sentencing date before Senior Judge James T. Moody will be set by separate order. Objections to the Findings and Recommendation are waived unless filed and served within ten (10) days. 28 U.S.C. § 636(b)(1)(B).

So ORDERED this 4th day of April, 2012.

s/ Paul R. Cherry

MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT

cc: All counsel of record
Honorable James Moody